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ORBOTECH, INC.

E-Filed 4/7/10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

YIELDBOOST TECH, INC.,

Plaintiff,

v.

PHOTON DYNAMICS, INC. AND
ORBOTECH, INC.,

Defendants.

No. C 09-03828 RS (PVT)

**STIPULATION AND ~~PROPOSED~~
ORDER PURSUANT TO CIVIL L.R. 6-2
TO ENLARGE TIME FOR SERVING
INVALIDITY CONTENTIONS AND
CLAIM CONSTRUCTION
DISCLOSURES**

1 WHEREAS, a Case Management Conference was held for this case on January 20, 2010,
2 and the parties filed an Amended Joint Case Management Statement (Dkt. No. 36);

3 WHEREAS, pursuant to the Case Management Scheduling Order (Dkt. No. 37),
4 Defendants, Photon Dynamics, Inc. and Orbotech, Inc., were to serve their invalidity contentions
5 and accompanying documents under Patent L.R. 3-3 and 3-4 on or before April 5, 2010;

6 WHEREAS, on February 19, 2010, the parties filed a Stipulated Request for Order
7 Enlarging Time Pursuant to Civil L.R. 6-2 (Dkt. No. 42), and on February 22, 2010 the Court
8 granted the parties' request (Dkt. No. 43);

9 WHEREAS, pursuant to the Court's Order (Dkt. No. 43), Defendants, Photon Dynamics,
10 Inc. and Orbotech, Inc., are to serve their invalidity contentions and accompanying documents
11 under Patent L.R. 3-3 and 3-4 on or before April 9, 2010;

12 WHEREAS, pursuant to the Case Management Scheduling Order (Dkt. No. 37), the parties
13 are to exchange proposed terms for construction, pursuant to Patent L.R. 4-1, on or before April
14 15, 2010;

15 WHEREAS, pursuant to the Case Management Scheduling Order (Dkt. No. 37), the parties
16 are to exchange preliminary claim constructions and extrinsic evidence, pursuant to Patent L.R. 4-
17 2, on or before May 5, 2010;

18 WHEREAS, on March 17, 2010 Defendants filed a Motion to Extend the Time for Serving
19 Invalidity Contentions and Claim Construction Deadlines Pending a Ruling on Defendants'
20 Motion To Compel Infringement Contentions that Comply with Patent L.R. 3-1 (Dkt. No. 49)
21 (hereinafter "Defendants' Motion to Extend Time"), wherein Defendants requested an extension
22 of the deadlines for invalidity contentions and claim construction disclosures which depends upon
23 the date that Defendants receive adequate infringement contentions;

24 WHEREAS, on March 23, 2010 Plaintiff filed an Opposition to Defendants' Motion to
25 Extend Time (Dkt. No. 60), wherein Plaintiff opposed an extension of the deadlines for invalidity
26 contentions and claim construction disclosures which depends upon receipt of adequate
27 infringement contentions, but did not oppose a fixed extension of 21 days;

28 WHEREAS, the Court has not ruled on Defendants' Motion to Extend Time;

WHEREAS, the undersigned counsel, met, conferred and agreed that the dates for service of invalidity contentions and exchange of claim construction disclosures should be extended, pending resolution of Defendants' Motion to Extend Time, by 21 days as follows:

Event	Old Deadline	New Deadline
Defendants' Invalidity Contentions (<u>Patent L.R. 3-3 and 3-4</u>)	April 9, 2010	April 30, 2010
Exchange of Proposed Terms for Construction (<u>Patent L.R. 4-1</u>)	April 15, 2010	May 6, 2010
Exchange of Preliminary Claim Constructions and Extrinsic Evidence (<u>Patent L.R. 4-2</u>)	May 5, 2010	May 26, 2010

NOW THEREFORE, IT IS STIPULATED, AGREED AND ORDERED that until the Court rules on Defendants' Motion to Extend Time (Dkt. No. 49), the date for serving invalidity contentions shall be extended to April 30, 2010, the date for exchanging proposed terms for construction shall be extended to May 6, 2010, and the date for exchanging preliminary claim constructions and extrinsic evidence shall be extended to May 26, 2010.

Dated: April 6, 2010

Bv: /s/ Jesse Geraci
 Jesse Geraci
 Attorneys for Defendants
 PHOTON DYNAMICS, INC. and
 ORBOTECH, INC.

Dated: April 6, 2010

Bv: /s/ Holly H. Barnes
 Holly H. Barnes
 Attorneys for Plaintiff
 YIELDBOOST TECH, INC.

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Holly Barnes.

Dated: April 6, 2010

Bv: /s/ Jesse Geraci
 Jesse Geraci

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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3 DATED: 4/7, 2010



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5 Hon. Richard Seeborg
6 United States District Judge
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